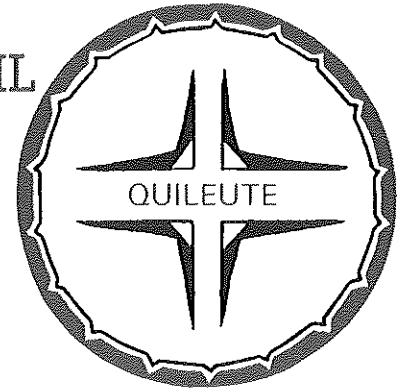


QUILEUTE TRIBAL COUNCIL

POST OFFICE BOX 279
LA PUSH, WASHINGTON 98350-0279
TELEPHONE (360) 374-6163
FAX (360) 374-6311



RECEIVED

APR 2 / 2016

April 21, 2016

DEPARTMENT OF ECOLOGY
OFFICE OF DIRECTOR

Maia Bellon, Director
Washington Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

ATTN: Water Quality Program
swqs@ecy.wa.gov
Becca Conklin

RE: Comments on the State's 2016 Draft Rule for Human Health Criteria and Implementation Tools in Washington State Water Quality Standards

Dear Director Bellon,

The Quileute Tribe has been working with the state of Washington and the US Environmental Protection Agency for many years to develop and adopt revised water quality standards that will protect the health of tribal people and respect our treaty-reserved rights to the harvest of fish and shellfish. The Department of Ecology has now proposed a second draft rule for human health criteria and implementation tools, and we offer the following comments on the state's proposed rule, issued in February, 2016. First, the proposed state rule once again falls short of the stated goal of protecting people who consume fish and shellfish. Additionally, the Quileute Tribe hereby, supports, adopts, and incorporates by reference the complete Northwest Indian Fisheries Commission comments submitted to Ecology in April, 2016. Finally, the Quileute Tribe would like to express our support for the more protective draft rule for human health criteria applicable to Washington State, issued by the U.S. Environmental Protection Agency on September 14, 2015.

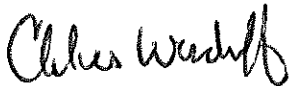
Tribes entered this discussion many years ago with their concerns that the existing fish consumption rate of 6.5 grams per day grossly under-represents tribal fish consumption. The harvest and consumption of fish and shellfish remains at the heart of tribal communities, and is a cultural, nutritional, and economic necessity as well as a treaty right. The proposed FCR of 175 g/day is low compared to fish consumption rates at many tribes. Additionally, in reviewing the impact on public health from toxic chemicals in the food chain, we have learned that many

other provisions of the rule proposed by the Department of Ecology may greatly diminish the protective benefit of a higher fish consumption rate.

Ecology proposes other human health criteria that do not incorporate best available science and fail to account for other sources of toxic chemicals, and we recommend adoption of the criteria proposed by the EPA. Additionally, the state's proposal will allow the criteria for several highly toxic chemicals including PCBs, arsenic, and dioxin to remain at status quo or to get substantially worse. The state's proposed implementation tools should be adjusted so that they are directed towards accountability and attainment of water quality standards, and not a set of tools to help dischargers with their compliance concerns.

Washington State is required to meet the provisions of the Clean Water Act to preserve the beneficial uses of water, including fishable rivers. Implicit in that is safe fish consumption. The public health issues that are determined by these standards affect everyone in Washington who eats fish. On top of this concern, the state must not impair the tribe's treaty-reserved rights to take *and consume* fish at all their usual and accustomed fishing grounds and stations. The proposed rules by the state of Washington do not meet these requirements.

Sincerely,



Charles Woodruff, Chairman
Quileute Tribal Council

cc: Lorraine Loomis, Chair; Northwest Indian Fisheries Commission
Dennis McLerran, EPA Region 10 Administrator
Dan Opalski, EPA Region 10 Director for the Office of Water and Watersheds

RECEIVED

APR 27 2016

DEPARTMENT OF ECOLOGY
OFFICE OF DIRECTOR